

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

BLANCO GmbH + CO.KG,	)	
	)	C.A. No: 0:15-cv-2199-TLW
Plaintiff,	)	
	)	
v.	)	NOTICE OF MOTION AND MOTION TO
	)	DISMISS PURSUANT TO RULE 41(a), FRCP
Vito Antonio Laera and Suzette LeFebvre,	)	
	)	
Defendants.	)	
_____	)	

The undersigned attorney for Plaintiff hereby moves for dismissal of the current action pursuant to Rule 41(a)(2), Federal Rules of Civil Procedure. The basis for the Motion to dismiss is that the current action is one to declare that a transfer of certain real estate was a fraudulent transfer under South Carolina law, to establish monetary damages for the fraudulent transfer, and to have this Court sell the subject property and apply the proceeds to the judgment of the Plaintiff. Since the filing of the present action, Defendant Laera has transferred any interest in the property to Ms. LeFebvre and Ms, LeFebvre has entered into a contract for the sale of the subject real estate to a third party, which sale has been consummated. The Plaintiff has consented to the sale of the subject property to the third party, and an action is pending in South Carolina state court to establish the priority to the proceeds. Because the property has been sold and the sale consummated, and the Plaintiff has consented to that sale, the action seeking to hold that Defendant LeFebvre's was void and the request that the Court conduct a judicial sale are moot. Furthermore, the Plaintiff has agreed to dismiss the action seeking monetary damages against the Defendants by participation in the asserted fraudulent transfer, rendering all causes of action in this matter moot.

Counsel for the Plaintiff has consulted with counsel for the Defendants, and counsel for Defendant LeFebvre has indicated that he would not consent to the voluntary dismissal without prejudice.

For the foregoing reasons, the Plaintiff moves that this Court enter an Order dismissing the present action without prejudice upon such terms and conditions as it deems just, pursuant to Rule 41(a)(2), FRCP.

BERNSTEIN & BERNSTEIN, P.A.

s/Robert A. Bernstein

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